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SENTENCING AND PENAL POLICY IN CANADA
(Supplement)

Fall 2007

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Faculty of Law and Centre of Criminology
University of Toronto

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Table of Contents

Selected Materials filed in *R. v. Frederick Hill*

Facts Originally Alleged by the Crown	1-5
Transcript of Guilty Plea	6-24
Facts Admitted by Accused for Sentencing Purposes	25-26
Exhibit 1 - Presentence Report	27-32
Exhibit 2 - "Gladue" Report prepared by Aboriginal Court Worker	33-40
Exhibit 3 - Victim Impact Statement of Victim #1	41-44
Exhibit 4 - Victim Impact Statement of Victim #2	45-50
Exhbits 6(a) - (d) - Character letters filed on behalf of accused	51-54
Exhibit 7 - Psychiatric Report	55-75

The Philosophical Dimensions of Punishment – I

Mirko Bagaric "Proportionality in Sentencing: its Justification, Meaning and Role", (2000) 12:2 *Current Issues in Criminal Justice* 143-165.	76-87
Andrew von Hirsch and Andrew Ashworth "The Justification for Punishment's Existence: Censure and Prevention" in Andrew von Hirsch and Andrew Ashworth *Proportionate Sentencing: Exploring the Principles* (Oxford University Press, 2005) pp. 12-33.	88 - 99
Andrew Ashworth *Sentencing and Criminal Justice* (4th ed.) (Cambridge University Press, 2005) pp. 22-31.	100-105

The Philosophical Dimensions of Punishment - II

Doob, Anthony N. and Cheryl Marie Webster (2003). Sentence Severity and Crime: Accepting the Null Hypothesis. In Michael Tonry (ed.). *Crime and Justice: A Review of Research, Volume 30.* Chicago: University of Chicago Press, pp. 143-195.	106-161
The Queen. v. B.W.P.; B.V.N. v. The Queen 2006 SCC 27	163-188

Framework of Contemporary Canadian Sentencing Policy

Mikhail Thomas "Adult Criminal Court Statistics, 2003/04" *Juristat* Vol. 24 no.12 (2004)	189-211
Anthony Doob "Understanding Public Views of What Should be Accomplished at Sentencing" (1999)	213-226

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Don M. Gottfredson, "Effects of Judges' Sentencing Decisions On Criminal Careers". National Institute of Justice (1999) 227-238

The Changing Youth Justice Regime

Youth Criminal Justice Act Preamble, Declaration of Principles, ss. 4-10, 38 and 39. 239-250

The Queen. v. B.W.P.; B.V.N. v. The Queen (supra)

Judicial Methodology

"Background Characteristics of Magistrates" and "Penal Philosophy: Similarities and Differences Among Magistrates", in John Hogarth *Sentencing as a Human Process* (University of Toronto Press, 1971) pp. 50-93. 251-273

Judicial Appointments Advisory Committee (Ontario): Policies and Procedures. 275-291

Other Models for Controlling Judicial Discretion

Sentencing Reform: A Canadian Approach. Report of the Canadian Sentencing Commission (Ottawa: Queens Printer, 1987) pp. 435-455 293-312

Shereen H. Benzvy Miller "Federal Sentencing in America" in J. V. Roberts & D.P. Cole (eds.) *Making Sense of Sentencing* (Toronto: University of Toronto Press, 1999) pp. 317-331. 313-320

Andrew Ashworth *Sentencing and Criminal Justice* (4th ed.) (Cambridge University Press, 2005) 33-67 321-338

Procedure and Evidence

Richard Weisman. (2004) "Showing Remorse: Reflections on the Gap between Expression and Attribution in Cases of Wrongful Conviction." *Canadian Journal of Criminology and Criminal Justice*. 46(2): 121-138. 339-356

R. v. Edwards (2001) 155 C.C.C. (3d) 473 (Ont. C.A.). 357-374

R. v. Craig (2003) 177 C.C.C. (3d) 321 (Ont. C.A.). 375-381

Victim Participation in the Sentencing Process

N. Christie, "Conflicts as Property" in C. Boydell and I. Connidis (eds.) *The Canadian Criminal Justice System* (Toronto: Holt, Reinhart, 1999). 383-390

Kent Roach *Due Process and Victim's Rights: The New Law and Politics of Criminal Justice* (University of Toronto Press, 1999) pp. 290-299. 391-396

Julian V. Roberts and Allen Edgar "Victim Impact Statements at Sentencing: Perceptions of the Judiciary". Report for the Policy Centre for Victim Issues, Department of Justice Canada, 2002. 397-416

Andrew Sanders, Carolyn Hoyle, Rod Morgan and Ed Cape "Victim Impact Statements: Don't Work, Can't Work", [2001] *Criminal Law Review* 447-458. 417-423

Plea Bargaining

J. di Luca "Expedient McJustice or Principled Alternative Dispute Resolution? A Review of Plea Bargaining in Canada", [2005] 50 C.L.Q. 14. 425-451

R. v. M. (R.) (2005) 73 O.R. (3d) 465 (Ont. C.J.). 453-460

Restorative Justice

Kent Roach "Changing Punishment at the Turn of the Century: Restorative Justice on the Rise." (2000) 42 *Canadian Journal of Criminology* 249-280 461-477

Allison Morris and Gabrielle Maxwell. 2001. "Implementing Restorative Justice What Works? In *Restorative Justice for Juveniles: Conferencing, Mediation & Circles.* A. Morris and G. Maxwell. Eds. (Oxford: Hart, 2001) pp. 267-281. 479-486

Ralph Henham "The Philosophical Foundations of International Sentencing", (2003) 1:1 *Journal of International Criminal Justice* 64-85. 487-508

Discharges and Other Non-Custodial Sanctions

J. di Luca "Understanding the Discharge" *Criminal Lawyers' Association Newsletter* Vol. 22, No. 6 Nov./Dec. 2001 509-516

R. v. Bertuzzi (2005) 26 C.R. (6th) 71 (B.C. Prov. Ct.). 517-523

R. v. Wu (2004) 180 C.C.C. (3d) 97(S.C.C.). 525-540

R. v. Shoker (2005) 26 C.R. (6th) 97 (B.C.C.A.). 541-552

Conditional Sentences

Canadian Centre for Justice Statistics *Bulletin - Highlights of the Conditional Sentencing Special Study* (June 2002) 553-560

R. v. Knoblauch (2001) 149 C.C.C. (3d) 1 (S.C.C.) 561-589

An Act to Amend the *Criminal Code* (protection of children and other vulnerable persons) S.C. 2005, c.32 (summary) 591-593

Bill C-9, 39th Parliament 595-596

R. v. Folino (Ontario Court of Appeal, Nov. 3, 2005) 597-604

The 'Sad Life' Principle in Sentencing: Race and Class Bias in Sentencing

R. v. Borde (2003) 8 C.R. (6th) 203 (Ont. C.A.) 605-611

H. Archibald Kaiser "*Borde* and *Hamilton*: Facing the Uncomfortable Truth About Inequality, Discrimination and General Deterrence" (2003) 8 C.R. (6th) 289-298. 613-618

D. Ives, "Sentencing the Disadvantaged". Paper presented at the Fall, 2003 Ontario Court of Justice Regional Seminars 619-654

"Sentencing: A Very Blunt Instrument": Mandatory Sentences and Prohibitions

R. v. Morrissey (2001) 148 C.C.C. (3d) 1 (S.C.C.) 655-675

R. v. Latimer (2001) 150 C.C.C. (3d) 129 (S.C.C.) 677-694

Re Therrien [2001] S.C.J. No. 36 paras. 1-11; 113-127 695-703

Marshall Drukarsh "Anticipating the Immigration Consequences of Criminal Processes", July, 2002. 705-708

Justice Steven Clark "Extra-Judicial Consequences of Drinking and Driving Convictions (unpublished). 709-717

"Sentencing: A Very Blunt Instrument": Imprisonment and Parole

D. Cole and A. Manson "The Possibility of Conditional Release as a Factor in Sentencing" (1990) 718-722

A. Macphail "The Development of the *Corrections and Conditional Release Act*" (1999) 723-739

A. Doob "Should Canada Maintain Its System of Discretionary Release From Prison" (1999) 741-749